

REMARKS

In the Office Communication dated May 21, 2007, the Examiner objected to the chain of title filed in this application; requested that the changes to U.S. Patent No. 5,431,648 made via a Certificate of Correction be amended into this application; objected to the format of various amendments made in this reissue application; and rejected the application under 35 U.S.C. § 251 based on hand-written changes to the Reissue Declaration that were not initialed by the declarant.

By this Reply, Applicant provides full and proper amendments to the specification and claims of the '648 patent. Because this Reply represents Applicant's entire amendments to the '648 patent to date in this reissue application, Applicant requests that all prior amendments submitted in connection with this application be withdrawn and substituted with the amendments presented herein.

Regarding the objection to the chain of title information, Applicant submits that ownership can be established by submitting to the Patent Office a signed statement identifying the assignee, accompanied by a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the Patent Office's records. 37 C.F.R. 3.73(b). In the Consent of Assignee paper filed in this application on September 18, 2003, Applicants identify Medical Enterprises Ltd. as the assignee and list the reel and frame numbers that evidence the chain of title to Medical Enterprises Ltd. In view of this, the objection that "the chain of title only provides reel/frame numbers" is improper and should be withdrawn.

Regarding the request that the changes to U.S. Patent No. 5,431,648 made via a Certificate of Correction be amended into this application, the amendments to the

specification and patent cover page provided above include the changes made by the Certificate of Correction. Accordingly, Applicant requests that this objection be withdrawn.

Regarding the various amendment objections, it appears that at the original filing of this reissue application the claims were incorrectly amended from the original reissue application, rather than amended from the issued patent. This led to the Examiner to state on page 2 of the Office Action dated December 3, 2004, that “[c]laims 2-79 should not be listed in the instant file wrapper . . . [and] newly presented claims should be successively numbered starting with claim 2.” Applicants agreed with this position taken by the examiner and presented the claims in the requested manner. Applicant continues to agree with this position taken by the examiner and thus submits that the objections to the earlier filed amendments are moot. As noted above, to clarify the record, this Reply represents Applicant’s entire amendments to the ’648 patent to date in this reissue application. Accordingly, the properness in form of the prior amendments should have no effect in this reissue context. The record is clear. In view of this, Applicant requests that the objection to the amendments be withdrawn.

Finally, Applicants submit a new, executed Reissue Declaration that does not include un-initialed changes. Applicant requests approval of the Reissue Declaration and withdrawal of the relevant objection and rejection.

Please grant any extensions of time required to enter this Reply, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: September 21, 2007

By: 

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Attachment: Reissue Declaration